

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SKENDER ALIJAJ,

Plaintiff,

v.

WELLS FARGO,

Defendant.

Civil Action No. 1:17-cv-01887-VSB

**CERTIFICATION OF  
COLLEEN P. TANDY**

COLLEEN P. TANDY, of full age, hereby declares as follows:

1. I am an attorney duly licensed and admitted to the practice of law in the State of New York and in this Court. I am Of Counsel with the law firm Fisher & Phillips LLP, attorneys for Defendant Wells Fargo Bank, N.A. (“Wells Fargo”), in the above-captioned matter. I have primary responsibility for the representation of Wells Fargo in this matter, and in that capacity have personal knowledge of the facts set forth in this Certification.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Complaint in this matter (Doc. 1).

3. Attached hereto as **Exhibit B** is a true and correct copy of the transcript of the deposition of Plaintiff Skender Alijaj, taken on April 12, 2018.

4. Attached hereto as **Exhibit C** is a true and correct copy of Plaintiff’s Employment Application with Wells Fargo (Bates pages WF-Alijaj 1-6), which Wells Fargo produced to Plaintiff in the course of discovery.

5. Attached hereto as **Exhibit D** is a true and correct copy of a Wells Fargo Team Member Acknowledgment, signed by Plaintiff on September 6, 2011 (Bates p. WF-Alijaj 22),

which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-1 at Plaintiff's deposition.

6. Attached hereto as **Exhibit E** is a true and correct copy of a Wells Fargo Agreement Regarding Trade Secrets, Confidential Information, Non-Solicitation, And Assignment Of Inventions, signed by Plaintiff on September 6, 2011 (Bates pp. WF-Alijaj 27-29), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-2 at Plaintiff's deposition.

7. Attached hereto as **Exhibit F** is a true and correct copy of portions of the Wells Fargo Team Member Handbook (Bates pp. WF-Alijaj 886-90, 920-24, 970-75), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-3 at Plaintiff's deposition.

8. Attached hereto as **Exhibit G** is a true and correct copy of Plaintiff's 2013 Year End Performance Evaluation (Bates pp. WF-Alijaj 47-51), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-5 at Plaintiff's deposition.

9. Attached hereto as **Exhibit H** is a true and correct copy of Plaintiff's 2014 Year End Performance Evaluation and Plaintiff's comments thereon (Bates pp. WF-Alijaj 39-46), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-4 at Plaintiff's deposition.

10. Attached hereto as **Exhibit I** is a true and correct copy of an e-mail string containing a copy of the description of the Product Controller role in the Securities Lending Group (Bates pp. WF-Alijaj 493-95), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-6 at Plaintiff's deposition.

11. Attached hereto as **Exhibit J** is a true and correct copy of an e-mail dated May 5, 2015, from Catherine Marsicano to Michael Fogarty, with subject line, “Meeting 5/1 Notes” (Bates pp. WF-Alijaj 510-11), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-7 at Plaintiff’s deposition.

12. Attached hereto as **Exhibit K** is a true and correct copy of an e-mail dated May 29, 2015, from Robert K. Rottmann to Michael Fogarty, with the subject line, “My conversation with Skender” (Bates p. WF-Alijaj 271), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-8 at Plaintiff’s deposition.

13. Attached hereto as **Exhibit L** is a true and correct copy of an e-mail string concerning Plaintiff’s verbal Informal Warning (Bates pp. WF-Alijaj 517-19), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-9 at Plaintiff’s deposition.

14. Attached hereto as **Exhibit M** is a true and correct copy of weekly e-mail updates on Plaintiff’s performance from Catherine Marsicano to Robert K. Rottmann and Michael Fogarty, along with related e-mails (Bates pp. WF-Alijaj 123-36), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-10 at Plaintiff’s deposition.

15. Attached hereto as **Exhibit N** is a true and correct copy of Plaintiff’s Performance Improvement Plan (Bates pp. WF-Alijaj 388-91), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-11 at Plaintiff’s deposition.

16. Attached hereto as **Exhibit O** is a true and correct copy of Plaintiff’s Formal Warning – Performance (Bates pp. WF-Alijaj 12-14), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-12 at Plaintiff’s deposition.

17. Attached hereto as **Exhibit P** is a true and correct copy of an e-mail dated September 23, 2015, from Plaintiff to Maria F. De Leon, with subject line, “RE: Meeting: Skender and Maria (HRA)” (Bates pp. WF-Alijaj 283-84), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-13 at Plaintiff’s deposition.

18. Attached hereto as **Exhibit Q** is an e-mail string between Plaintiff and Maria F. De Leon (Bates pp. WF-Alijaj 308-19), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-14 at Plaintiff’s deposition.

19. Attached hereto as **Exhibit R** is an e-mail string that includes Plaintiff, Susan L. Roberts, and Maria F. De Leon (Bates pp. WF-Alijaj 75-89), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-16 at Plaintiff’s deposition.

20. Attached hereto as **Exhibit S** is a true and correct copy of e-mail notes of Susan L. Roberts, dated October 27, 2015, with subject line, “Dispute Resolution: Skender (questions)” (Bates pp. WF-Alijaj 231-33), which Wells Fargo produced to Plaintiff in the course of discovery, and which was marked as Exhibit Alijaj-17 at Plaintiff’s deposition.

21. Attached hereto as **Exhibit T** is a true and correct copy of an e-mail dated October 29, 2015, from Catherine Marsicano to Robert K. Rottman and Michael Fogarty, with subject line, “RE: HR Advisor Case ID 6774396” (Bates p. WF-Alijaj 796), which Wells Fargo produced to Plaintiff in the course of discovery.

22. Attached hereto as **Exhibit U** is a November 4, 2015, e-mail string concerning the recommendation for Plaintiff’s termination (Bates pp. WF-Alijaj 850-51), which Wells Fargo produced to Plaintiff in the course of discovery.

Pursuant to 28 U.S.C. §1746, I certify under the penalty of perjury that the foregoing is true and correct.

Executed on October 26, 2018

*s/Colleen P. Tandy*  
COLLEEN P. TANDY